

Board of Chiropractic Examiners

2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
Telephone (916) 263-5355 FAX (916) 263-5369
CA Relay Service TT/TDD (800) 735-2929
Consumer Complaint Hotline (866) 543-1311
<http://www.chiro.ca.gov>

**NOTICE OF PUBLIC MEETING**

**January 8, 2009
9:30 a.m.
State Capitol
Senate Room 112
Sacramento, CA 95814**

AGENDA**1. PUBLIC SESSION Call to Order**

Frederick Lerner, D.C., Chair
Hugh Lubkin, D.C., Vice-Chair
Francesco Columbu, D.C., Secretary
Jim Conran, Public Member
Judge James Duvaras (Ret.), Public Member
Richard Tyler, D.C., Professional Member

2. Chair's Report**3. Election of Officers for 2009**

- A. Chair
- B. Vice Chair
- C. Secretary

4. Approval of Minutes

November 20, 2008

5. Public Comment**6. Board Member training on the Bagley-Keene Open Meetings Act and other relevant laws****7. Executive Officer's Report**

- A. Budget
- B. Personnel
- C. Licensing
- D. Enforcement
- E. Web Casting Update

8. Ratification of Approved Continuing Education Providers**9. Ratification of Approved License Applications****10. Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing****11. Board Newsletter****12. Proposed Legislation to Increase License Fees****13. Proposed Regulations**

- A. Continuing Education

- B. Fingerprinting of Applicants and Licensees
- C. Chiropractic Specialties
- D. Proposed Regulations Regarding Time Frame to Petition for Reinstatement of a License and Modification of Probation or Early Termination of Probation
- E. Manipulation Under Anesthesia
- F. Letter of Admonishment
- G. Repeal of Quality Review Panels

14. Public Comment

15. Future Agenda Items

16. CLOSED SESSION:

Pursuant to California Government Code Section 11126(e)

- A. Catherine Hayes v. Board of Chiropractic Examiners
Sacramento County Superior Court Case No. 34-2008-00006473
- B. David Hinchey v. Board of Chiropractic Examiners, Cathy Hayes
Sacramento County Superior Court, Case No. 07AS03721

17. Public Session: Announcements Regarding Closed Session

18. Hearings re: Petition for Reinstatement of Revoked License:

- A. Todor P. Azgorov
- B. Robert L. Horan
- C. David L. Hagen

19. CLOSED SESSION:

Deliberation on Disciplinary Matters and Possible Action on Disciplinary Decisions
Pursuant to California Government Code Section 11126(c)(3)

20. PUBLIC SESSION: Announcements Regarding Closed Session

21. Adjournment

The Board of Chiropractic Examiners' paramount responsibility is to protect California consumers from the fraudulent, negligent, or incompetent practice of chiropractic care.

Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Public Meetings Act. Public comments will be taken on agenda items at the time the specific item is raised. The Board may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at www.chiro.ca.gov.

The meeting is accessible to persons with physical disabilities. If a person needs disability-related accommodations or modifications in order to participate in the meeting, please make a request no later than five working days before the meeting to the Board by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or sending a written request to that person at the Board of Chiropractic Examiners, 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833. Requests for further information should be directed to Ms. Valencia at the same address and telephone number.

Board of Chiropractic Examiners

2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
Telephone (916) 263-5355 FAX (916) 263-5369
CA Relay Service TT/TDD (800) 735-2929
Consumer Complaint Hotline (866) 543-1311
www.chiro.ca.gov

**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES****November 20, 2008****The Westin Los Angeles Airport
5400 West Century Blvd., Room 336
Los Angeles, CA 90045****Board Members Present**

Frederick Lerner, D.C., Chair
Hugh Lubkin, D.C., Vice Chair
Francesco Columbu, D.C., Secretary
Jim Conran, Public Member
Richard Tyler, D. C., Professional Member

Staff Present

Brian Stiger, Executive Officer
Anita Scurri, Legal Counsel
John Melendez, Staff Services Manager
April Alameda, Associate Governmental Program Analyst
Lavella Matthews, Associate Governmental Program Analyst
Rebecca Rust, Associate Governmental Program Analyst
Valerie James, Office Technician

Call to Order

Dr. Lerner called the meeting to order at 11:01 a.m.

Roll Call

Dr. Columbu called the roll. All members were present except Judge James Duvaras.

Chairs Report

Dr. Lerner thanked the Department of Consumer Affairs for hosting our Board at its Professionals Achieving Consumer Trust Program and had the following comments: "Our Board Members and staff have worked especially hard this year to protect consumer for chiropractic services.

Specifically we have put in place a level of enforcement we believe to be unmatched in the State of

California. We put forward regulations on a Letter of Admonishment, chiropractic quality review panels, cite and fine regulations, and others. Today we will be presenting and discussing proposed regulatory language on continuing education requirements, chiropractic board specialties and manipulation under anesthesia. This represents a tremendous body of work that I think our Board can be very proud of. I believe that this will significantly elevate the confidence and respect that the public has on our licensed doctors of chiropractic in California, as well as increase the pride our licensees have in our professions. I feel very privileged to serve the State of California with our board members and staff. We have all been working together in a very synergistic manner and I am very encouraged with the direction the board is moving. As we head toward the holidays, I am very thankful and grateful to be associated with such a fine group of people. Although my opinion may be a little bias, I think we have the best Executive Officer and a full complement of staff that anyone would be proud to have. As for my fellow board members, I don't think words could properly express the level of dignity and respect that I have for you. Without a doubt, serving with you on this board continues to be one of the greatest accomplishments in my life. Finally, I would also like to thank the continual presence and thoughtful input from our professional associations, colleges, and various public members. Your suggestions and feedback have been immensely valuable in helping us fulfill our primary mission, protecting the California consumers of chiropractic services."

Approval of Minutes

Two sets of minutes to approve. September 24-25, 2008 and re-amendment to August 16, 2007.

MOTION: DR. LUBKIN MOVED TO APPROVE THE SEPTEMBER 24-25, 2008 MINUTES AS AMENDED

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

Discussion

Mr. Stiger stated on page six, there is a misspelling of a name. On page seven, there is an error in a reference code, should be 651. Finally on page eight, the word "where" needs to be added.

MOTION: MR. CONRAN MOVED TO NOT APPROVE THE AUGUST 16, 2007, AMENDMENT

SECOND: NONE

MOTION FAILED

MOTION: DR. TYLER MOVED TO APPROVE THE AUGUST 16, 2007, AMENDMENT AS CORRECTED.

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 4-1

MOTION CARRIED

Discussion

Mr. Conran asked who suggested the amendment, and felt the minutes should be consistent and if we are to go back and modify these particular minutes, then we should do that to all past minutes.

Mr. Conran questioned why the Board would go back to these particular minutes and include an

individual verbatim comment.

Dr. Columbu stated it was his suggestion and explained that members of the public that provide public comment should be acknowledged in the minutes.

Mr. Conran stated that these minutes then are incomplete because Michael Shames and Steve Alexander spoke at the same time and it seems strange that we pick one person out of three to identify in this manner when we have never done this before. Mr. Conran proposed that if we accept this amendment then we should be consistent in future minutes.

Dr. Tyler stated that Ms. Fellmeth's statement was excellent and that maybe Mr. Conran's suggestion that everyone's comments should be included in the minutes. Dr. Tyler said he had a concern about the cost and asked if there are any other agencies like CPIL (Center for Public Interest Law).

Mr. Conran said he could not speak for Ms. Fellmeth and that he can only give institutional memory that is always subject to debate. Mr. Conran said as the comments relate to the State Bar, Contractor's State Licensing Board, and the Medical Board, it was a requirement by the state Legislature that CPIL serve in a monitoring capacity and that requirement may have been part of budgetary language signed by various previous Governors. Mr. Conran said he does not have a problem if the Board wishes to capture comments but to capture one person out of everybody is very inconsistent and while he understands the intent is honorable it just doesn't sit right to pick one person out of everyone who has ever testified before this particular group.

Mr. Conran stated he recalled the conversation was after the Board had a series of public incidences that were reported by the media and Ms. Fellmeth came and spoke it through in San Diego and offered, if everyone desired, the ability for Mr. Stiger or the Board to consult with CPIL based on their experience of following licensing boards in California for almost 30 thirty years. They are the only consumer group in the state that monitors and follows licensing boards. Mr. Conran said he thinks this is somewhat capricious and arbitrary when it has not been consistent with the minutes the Board kept in the past. If the Board determines that they wish to do this, fine, but to make these minutes correct we should go back and get everyone who was there and do it prospectively going forward.

Dr. Tyler stated his only concern was money at this particular point and asked if CPIL was the only one that does that. Mr. Conran stated, as far as he knows, CPIL was the only one chartered by the Legislature to monitor boards that were having either fiduciary or other problems and asked Ms. Scurri to comment.

Ms. Scurri said the CPIL was not actually chartered by the Legislature but they ended up being the group selected for these three enforcement monitor positions that were caused by the various statutes for each of the different agencies, and they are unique in what they do but they were not actually selected by the Legislature but through the contract process.

Dr. Lubkin clarified the typographical error was that is should read "if", not I, and should be corrected.

Public Comment

Anthony Donatelli, asked for a status of his license application.

Mr. Stiger informed Mr. Donatelli that the Licensing Manager, John Melendez was present and would discuss this with him privately.

Board Member Training on the Bagley-Keene Open Meetings Act and other relevant laws

Dr. Lerner introduced Anita Scurri from Department of Consumer Affairs. Ms. Scurri is the Board's legal counsel today, in the absence of LaVonne Powell. This board has had no new members since March 2007, and there has been Bagley-Keene training at all the meetings. Ms. Powell has requested that if there are questions to direct them to Ms. Scurri.

Ms. Scurri provided a brief overview of the rule making process.

Executive Officer's Report

Budget

Mr. Stiger discussed the Board's budget and provided an Expenditure Projection for the remaining of the fiscal year. This information is current through October 31, 2008. Projections indicate \$34,000 will be left at the end of the fiscal year. We are running a tight budget and cannot determine how many enforcement actions will be taken. We are keeping a close eye on the budget and doing projections each month to ensure we do not over expend the budget.

Personnel

Mr. Stiger informed the Board we are still recruiting for a Special Investigator in Southern California, whose salary is already included in the projection. The first interviews have been completed, and he will be conducting second interviews tomorrow. If a candidate is selected, we hope to have them on board by the beginning of the year. We also have 2 additional positions we are authorized to fill next fiscal year.

Licensing

Mr. Stiger informed the Board that there are no significant back log problems. There has been a slight increase in licensed chiropractors in the last year. We continue to show a larger increase in satellite certificates. Our Licensing Unit has a project to identify those individuals that have more than five satellite offices due to this becoming a growing concern.

Enforcement

Mr. Stiger informed the Board we have been very busy this year and there were certain numbers he wanted to recognize. There are 667 pending complaints, and we are very concerned and consider it to be backlog. However, it's a lower number than it has been in the past several years. We are working the backlog down. We have changed our structure and training and have implemented recommendations and they are working. Our citation authority to issue fines began August 1st and we have 8 citations. Our probation cases are going down, we currently have 146.

Mr. Conran asked where the money goes when citations are paid.

Mr. Stiger replied that they go into our fund, not our operating budget. If we want to use it, we need to get authority through a budget change proposal process.

Dr. Lubkin asked for clarification on the number of complaints received for 08/09, if it was a projection.

Mr. Stiger clarified that it is the actual number of complaints received for the first four months of this fiscal year.

Ratification of Approved Continuing Education Providers

MOTION: DR. TYLER MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS

SECOND: DR. LUBKIN SECONDED THE MOTION.

VOTE 5-0

MOTION CARRIED

Discussion

None

Ratification of Approved License Applications

MOTION: DR. LUBKIN MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

Discussion

None

Committee Reports

Continuing Education Committee

Dr. Tyler mentioned that back in 2006 he proposed a 24 hour continuing education. At that time it was being discussed, but nothing was done. The year 2007 was very busy, and now, in 2008 the committee has ruled ahead. He acknowledged Mr. Stiger and the staff for how well they are running the Board. He mentioned that a committee meeting was held today and there was more feedback from members of the profession regarding the recommendations that are being made. They were all valid and interesting points. We want to get ahead and give something to the profession and become a benchmark for other boards to look at what California has done. The committee has held many workshops and meetings, and will still need to hold more. He proposed that the board members review what is being presented so it can be discussed at the next full board meeting. He commended Dr. Lubkin on his efforts to articulate in writing some of the ideas the committee had.

Discussion

Dr. Lerner asked if the proposal was not ready to promulgate.

Dr. Tyler responded each time it's believed to be fine tuned, someone puts in a new idea that is a good one. He believes they should not rush this process and miss something important. Everyone should read it carefully and present their ideas.

Dr. Lubkin stated that they also wanted to give legal an opportunity to make comments or suggestions so that we have a format that is likely to pass through OAL on the first attempt.

Dr. Lerner asked if they felt it was ready for legal review.

Dr. Tyler responded he felt it was very close to being ready for legal review.

Ms. Scurri suggested that the committee meet with Ms. Powell to go over the policy issues so that she could assist the committee in preparing a draft that will meet OAL criteria.

Dr. Lerner commented that this has moved miles, we are offering licensees a great freedom of choice with some mandatory aspects to help keep a minimum standard of competency that elevates the whole profession. It's been an incredibly body of work with tremendous public input. He is very grateful to the participants on the continuing education work group, the people who continue to come to the board meetings for this, and the board members and staff. He is looking forward to this moving along.

Jim Conran commented that he has raised this point before, but wants to make sure the classes we have focus on the needs of protecting the public rather. As we look at classes, they need to be designed for public health, safety and welfare. Also, Staff need to be diligent that people who are promoting various continuing education programs are mindful of that and are truly there for education.

Public Comment

None

Scope of Practice Committee

Dr. Lubkin stated they have spent quite a bit of time going over the proposed regulations, and even had a proposal that came to them today. He would like Dr. Lerner to go over it.

Dr. Lerner stated there was a handout document that has a series of proposed regulations. In terms of sculpting, this is the mud they started with. As they turn this into a beautiful sculpture such as the continuing education regulations are right now, there is a process. He is really grateful to the California Chiropractic Association. This is not a complete aspect, but this makes it a lot simpler. He feels simplicity is a key to understanding and it makes it easier to meet the criteria that Ms. Scurri brought fourth. The further we can advance this, the happier everyone will be.

Public Comment

Kristine Shultz representing the California Chiropractic Association stated when they looked at the

proposed regulations they were concerned because they thought this would create a whole new process where the Board has to review and approve Specialty Boards. They were hoping to find something that would be easier. One change that needs to be made is regarding the CCE colleges, they don't actually confer the specialty, they are the program that someone has to complete and then take a specialty board exam, so that language needs to be removed. There are some other issues and she is happy to work with the Board on whatever language will work to meet the standards.

Dr. Lerner stated there is also a problem that Ms. Scurri brought up regarding the term equivalent. He would like everyone to know that there are several state and federal laws that we need to be compliant with in order for this to work. That is partly the job of OAL, to make sure this is compliant with everything.

Ms. Scurri asked if this regulation references the regulations of another agency, and are we then proposing that the other agency be the one that determines the equivalency.

Ms. Schultz responded this does reference another agency's regulations. However, the intent was not for the other agency to determine equivalency. The intent was to set a standard so that when anything met the standard it would automatically be included so the board would not have to individually approve other courses.

Dr. Charles Davis said he would prefer a simpler, one page regulation.

Manipulation Under Anesthesia Revised Proposed Regulatory Language

Dr. Lubkin stated the document is finalized and ready to have a vote by the board to move forward. This is basically the identical document, except paragraph 1a has an addition of one other accrediting agency.

Dr. Lerner stated this has also been a good body of work and is probably ready.

Jim Conran has never heard of the added agency and asked to be educated on who they are.

Dr. Lubkin responded they are an accrediting agency that was brought to the attention of the committee and staff.

After researching them, they are an entity that accredits facilities that perform manipulation under anesthesia.

MOTION: DR. LERNER MOVED TO SET THIS LANGUAGE FOR REGULATORY HEARING

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 4-0-1

MOTION CARRIED

Regulations

Update of Proposed Regulations re Letter of Admonishment filed with OAL

Mr. Stiger explained this is an enforcement tool that will be used to inform licensees of minor violations of the law. It would not be an action against their license. We have filed this information for rulemaking and are waiting for the Department of Finance to approve our Fiscal Impact

Statement. They are behind right now due to working on the budget.

Update of Proposed Regulations Chiropractic Quality Review Panels filed with OAL

Mr. Stiger stated this in the same pending mode, we are waiting on the Department of Finance to approve our Fiscal Impact Statement.

Dr. Lerner asked if there is a deadline for the Department of Finance to approve the Fiscal Impact Statement, and what happens if they don't approve it in the timeframe.

Ms. Scurri responded unfortunately there is not a timeframe for the Department of Finance. There is however a deadline for the Board. The regulations have to be to OAL within a year of the notice. If the year passes, the processed has to start all over.

Mr. Stiger stated we are no where near the deadline. The notices were filed in the summer. He is not concerned at this point. April Alameda follows-up with the Department of Finance on a routine basis. If the time comes that we get to close, staff will inform the Board.

Proposed Regulations Regarding Time Frame to Petition for Reinstatement of a License and Modification of Probation or Early Termination of Probation

Mr. Stiger stated this is proposed regulation that is a result of some of the petition hearings that have been held in the past. Ms. Powell and staff worked on this proposed language to change the requirements for petitioners. This proposed language is placed before the Board for discussion and direction.

Dr. Lerner read the proposed language for the members of the public.

MOTION: MR. CONRAN MOVED TO SET THIS LANGUAGE FOR REGULATORY HEARING

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

Legislation Update – Discussion and Possible Action

DCA Proposal regarding Retroactive Fingerprinting of Licensees

Mr. Stiger discussed that DCA is proposing regulatory language to allow retroactive fingerprinting when licensees were not fingerprinted when they initially applied. He is asking if this board would like to tag on and have its name in the legislation to allow us to go back in the event that some of our licensees were not initially fingerprinted. We have been fingerprinting since 1941, however, if someone has fell through the cracks this legislation will allow us to go back and get that individual fingerprinted. So, does the board what to tag on to DCA, write our own legislation, or not do anything at all?

Mr. Conran asked if fingerprinting was an administrative procedure or is it required by legislation.

Mr. Stiger responded we do require fingerprinting; however the language is a little vague in the law. He recommends that we move forward to make it very clear that we have that authority to collect fingerprints.

Ms. Scurri commented that the approach of the FBI and the Department of Justice is changing on when they are willing to give fingerprint reports. They are tightening up their position of providing information if authority is not specifically in the law. It's a good idea to make sure that the legislation is clear, even if retro-fingerprinting is not addressed.

Dr. Lerner asked if this regulation would be in conflict with anything currently in the Initiative Act.

Ms. Scurri said that question should be directed to Ms. Powell since she is familiar with the Act. She would be happy to discuss this with her, but she feels that something is in order soon so that we don't lose the ability to get fingerprints processed.

Mr. Conran suggested since it isn't on a bill yet, that we wait until the bill is introduced. At that time the legislative committee can make a decision if we should join with the DCA bill or have our own bill. It would probably be easier to join with the DCA. He agrees with Ms. Scurri that we should proactively get a piece of legislation that gives us the authority so that we are not challenged.

MOTION: MR. CONRAN MOVED FOR STAFF TO EXPLORE OPTIONS

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

Web Casting Cost Proposal – Discussion and Possible Action

Dr. Lerner explained we've had difficulty in the past with details in our minutes. There have been several times we've had to go back and re-amend minutes. We are looking at technology that will allow us to audio-visually record minutes so that anyone could access not only written minutes, but could also see audio-visual material of the meeting. We are also looking at web casting the meetings so that anyone with internet access could effectively be at the board meeting, this would be the ultimate transparency. It would resolve issues of who said what. He introduced John Melendez, Licensing Manager to report on this information.

Mr. Melendez reported that we have a proposal from one company that includes the set up software, training required, and allows us to store and access the board meeting information for up to twelve months.

After twelve months, we would need to make a copy of it for record which could be done by dvd. We could also make copies of them available upon request. We are very early in the process of looking at this option. We wanted to give the Board an opportunity to get an idea of the cost. We will most likely be required to submit a budget change proposal. There is a less expensive option of audio only, however the cost difference is so minimal that it doesn't make sense to do audio only. The web casting also allows us to time stamp so people can go directly to a specific agenda item they are interested in.

Dr. Lerner stated he also attended the presentation and feels this would be a tremendous relief on the board staff. Anybody could access the information for up to twelve months, it's a tremendous access to the public. He is very much in favor of providing transparency.

Mr. Conran stated he agrees this is a great idea and feels this would send a valuable message that this is a board that wants to be viewed in public light. It would make us more accessible to licensees and the public. He is very much in favor of this.

Dr. Lerner stated if anyone wanted to see a sample, they could go onto granicus.com. There are many other cities they are working with. City of San Jose may be a good example. They are very eager to work with us but we can't just hire a private firm and go with it. In terms of the cost, it's not a concern to him because he feels there will be a huge savings in reduced labor time, and also the value in removing past problems with details in the transcription of the minutes.

Mr. Conran stated that we would not relieve us from having minutes, but this would improve the documentation.

Mr. Stiger explained that we would have to absorb these costs in our operating budget, which is currently very tight. The other option is a budget change proposal, and that process would take approximately eighteen months. If the board decides to do this, then we will have to not do other things to balance this cost. He can come back to the board members with a proposal on how to absorb the cost this fiscal year.

Mr. Conran stated the governor is concerned about environmental issues and this would allow some people still follow meetings without having to commute to them.

Public Comment

Kristine Shultz asked if we could introduce legislation to take the money out, and if so, wouldn't that take less time than a budget change proposal.

Mr. Stiger responded yes, it would take less time than eighteen months and it's a great idea.

Dr. Lerner stated he would hate to go back to the legislature at this time to ask for money. The legislature is dealing with the budget crisis. Who knows what the legislature would do. If we could do this internally, it would be best to leave the responsibility of managing the money with Mr. Stiger. If that fails, then maybe the legislature is the right way to go.

MOTION: MR. CONRAN MOVED TO PROCEED ON THE AUDIO/VIDEO WEB CASTING

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE 5-0

MOTION CARRIED

Proposed Board Meeting Schedule for 2009

Mr. Stiger stated these are the proposed dates he came up with and they are similar to this past year.

Dr. Tyler said he is concerned about budget constraints since only two of the six meetings are in Sacramento. With four being away he is unsure of the cost difference.

Mr. Stiger responded it will cost more but we wanted to ensure we move around the state to allow the public to participate.

Dr. Lerner said he felt Dr. Tyler's point was valid and asked if it was necessary to go all these different places.

Mr. Conran stated that many committee meetings are held in Sacramento and he feels it's important

that we give the public an opportunity to come in at talk about issues that are important to them. He would hope that when we do go outside of Sacramento, we would go to a place to partner up, such as one of the colleges. It says that the Board is willing to go out and make itself accessible to people rather than making them come to us.

Dr. Lerner asked in terms of dates if any board members had any conflicts. They are all on Thursdays.

MOTION: MR. CONRAN MOVED TO APPROVE ONLY THE DATES

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

MOTION: MR. CONRAN MOVED TO APPROVE THE LOCATIONS

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE 5-0

MOTION CARRIED

Public Comment

None

Future Agenda Items

Mr. Conran feels we need to have a defined way of disposing of confidential documents and not leave it up to the discretion of board members. He had an experience yesterday where he walked into a room to do a presentation and a previous board had left confidential documents on the table. Although this board has not done that, he feels there is a need for security within our administrative procedure manual so board members have clear direction to ensure this doesn't happen.

Mr. Stiger said we could look into making an amendment our administrative manual on how we handle confidential documents.

Dr. Lubkin stated he wanted to move forward on the seal.

Dr. Lerner responded that it has not been moving forward because the committee has been placed on hold due to the unclear status of Mr. Conran. He also added a proposed agenda item for January of raising licensing fees legislatively.

The Board recessed until 2:25 p.m.

Hearings re: Petition for Reinstatement of Revoked License

Administrative Law Mr. Daniel Juarez presided over and Deputy Attorney General Tom Rinaldi appeared on behalf of the people of the State of California on the following hearings.

- Charles L. Whitney
- Todor P. Azgorov

Following oral testimonies, the Board went into closed session to consider Charles Whitney and

Todor Azgorov for reinstatement of Revoked License.

Closed Session

Following oral testimonies, the Board went into closed session for deliberation and determinations of Petitioners.

Adjournment

Dr. Lerner adjourned the public meeting at 4:14 p.m.

REVISED DRAFT

FUND NO. 0152

Expense Index

BOARD OF CHIROPRACTIC EXAMINERS
BUDGET REPORT
EXPENDITURE PROJECTION

AS OF: November 30, 2008

MONTH 5

Mos. Remaining: 7

		FY 2008-09				
		BUDGET	CY	PERCENT		UNENCUMBERED
OBJECT CODE	OBJECT DESCRIPTION	ALLOTMENT	EXPENDITURES AS OF 11/30/08	OF BUDGET SPENT	PROJECTIONS TO YEAR END	BALANCE
	PERSONAL SERVICES:					
001 00	Salaries and Wages					
003 00	Civil Service-Perm	926,393	281,050	30.3%	890,620	35,773
033 04	Temp Help (907)	0	17,946	0.0%	36,000	(36,000)
063 00	Statutory-Exempt (EO)	80,328	45,242	56.3%	111,000	(30,672)
063 01	Board/Commission (910,920)	16,000	0	0.0%	9,000	7,000
083 00	Overtime (909)	4,615	0	0.0%	0	4,615
103 - 137	Staff Benefits	389,158	112,280	28.9%	364,773	24,385
141 00	Salary Savings	(1,219)		0.0%	0	(1,219)
	TOTAL, PERSONAL SVC	1,415,275	456,518	61.6%	1,411,393	3,882
	OPERATING EXPENSE AND EQUIPMENT:					
201-225 & 227	General Expense	52,000	1,589	3.1%	20,000	32,000
241 - 248	Printing	7,331	1,329	18.1%	5,000	2,331
251 - 258	Communication	61,136	6,991	11.4%	28,000	33,136
261 - 268	Postage	11,662	1,041	8.9%	20,000	(8,338)
291 - 308	Travel In State	21,241	11,291	53.2%	40,000	(18,759)
311 - 328	Travel, Out-of-State	24,121	415	1.7%	18,000	6,121
331 -338	Training	13,331	3,978	29.8%	15,000	(1,669)
341 -361	Facilities Operations	140,754	46,247	32.9%	112,000	28,754
382 - 398	C & P Services - Interdept.	57,384	15,239	26.6%	123,000	(65,616)
402 - 420	C & P Services - External	124,513	16,536	13.3%	270,000	(145,487)
424 03	DP Billing (OIS) Prorata	6,936	0	0.0%	0	6,936
428 00	Consolidated Data Center	25,985	214	0.8%	27,000	(1,015)
434 00	Interagency Agreement IT	51,723	0	0.0%	108,000	(56,277)
435 00	NOC Serv IT (Security)	63,881	0	0.0%	0	63,881
435 01	IT Consultant	54,136	0	0.0%	0	54,136
436 00 445 00	DP Supplies	0	0	0.0%	0	0
438 00	Central Admin Pro Rata	126,458	63,229	50.0%	126,458	0
404 00	Administrative External Svcs	0	503	0.0%	0	0
451 00	Major Equipment	85,000	0	0.0%	66,000	19,000
226 - 239	Minor Equipment	50,000	0	0.0%	10,000	40,000
525 00, 533 00,	Vehicle Operations	6,000	0	0.0%	6,000	0
	ENFORCEMENT:					
396 01	Attorney General	941,000	106,193	11.3%	941,000	0
396 02	Attorney General Fingerprinting	10,000	1,388	13.9%	5,000	5,000
397 00	Office Admin. Hearing	217,379	22,091	10.2%	217,379	0
414 01 /414 34	Evidence / Witness Fees	75,000	10,802	14.4%	75,000	0
418 05	Consultant Investigations	40,754	0	0.0%	0	40,754
545	Other Items of expense	0	135	0.0%	0	0
591 00	Special Adjustments	0	0	0.0%	0	0
	TOTALS, OE&E:	2,267,725	309,211	13.6%	2,232,837	34,888
	TOTAL EXPENSE:	3,683,000	765,729	20.8%	3,644,230	38,770
	Sched. Reimb. - Other	(33,000)	0	0.0%	(5,000)	(28,000)
	Sched. Reimb. - Fingerprints	(11,000)	0	0.0%	0	(11,000)
	Unsched. Reimb.	0	0	0.0%	0	0
	TOTAL REIMBURSEMENTS:	(44,000)	0	0.0%	(5,000)	(39,000)
	NET APPROPRIATION:	3,639,000	765,729	21.0%	3,634,230	(230)
	SURPLUS/(DEFICIT):				-0.01%	

**Recruitment and Selection of Vacant Position Update
December 30, 2008**

Classification	Date Advertised	Application Review	Interviews Conducted	Background Checks	Formal Offer	Start Date
Spec. Investigator (Southern California)	07/10/08	In Process	In Process			

**BOARD OF CHIROPRACTIC EXAMINERS
STATISTICAL DATA**

FY2007/08-FY2008/09 COMPARISON

LICENSE TYPE	TOTAL LICENSES 11/30/07	TOTAL LICENSES 11/30/08	NET VARIANCE
CHIROPRACTOR	13813	13830	+17
SATELLITES	2242	2490	+248
CORPORATIONS	1332	1350	+18
REFERRALS	17	18	+1
TOTALS	17404	17688	+284

NOVEMBER 2008

LICENSING APPLICATIONS

APPLICATION TYPE	RECEIVED	APPROVED	DENIED	PENDING
INITIAL	18	29	1	147
CORPORATE	1	1	0	10
RECIPROCAL	2	1	0	22
RENEWALS	1176	1176	0	0
RESTORATION	8	7	0	7

CONTINUING EDUCATION APPLICATIONS

APPLICATION TYPE	RECEIVED	APPROVED	DENIED	PENDING
CE PROVIDER	0	0	0	0
CE COURSES	65	26	0	68
PRECEPTOR	22	22	0	0
TOTALS	87	48	0	68

BOARD OF CHIROPRACTIC EXAMINERS STATISTICAL DATA

NOVEMBER 2008

LICENSE VERIFICATION REQUESTS

RECEIVED	COMPLETED	DENIED	PENDING
35	11	0	24

PUBLIC RECORDS REQUESTS

RECEIVED	COMPLETED	DENIED	PENDING
16	19	0	5

SATELLITE OFFICE APPLICATIONS

RECEIVED	COMPLETED	DENIED	PENDING
94	61	0	57

SATELLITE OFFICE DATA

LICENSEES WITH FIVE OR MORE OFFICES	MAX. NUMBER OF SATELLITE OFFICES	AVERAGE NUMBER OF SATELLITE OFFICES: THIS SUBGROUP
57	25	9.6

Compliance Unit Statistics

Fiscal Year	05/06	06/07	07/08	08/09*
<u>Complaints</u>				
Received	764	702	665	265
Pending	834	729	799	654
Closed with Insufficient Evidence	116	131	106	88
Closed with No Violation	96	60	78	89
Closed with Merit	319	200	321	106
Citations and Fines Issued (Total Fine Amount)	36	34	28	13 (\$5,150)
<u>Accusations</u>				
Filed	45	42	14	15
Revoked	15	27	8	3
Revocation Stayed: Probation	16	23	10	0
Revocation Stayed: Suspension and Probation	15	15	10	2
Suspension	0	1	0	0
Voluntary Surrender of License	8	4	3	1
Dismissed/Withdrawn	0	3	4	5
<u>Statement of Issues</u>				
Filed	4	11	7	1
Denied	0	0	0	0
Probationary License	8	6	6	0
Withdrawn at Applicant's Request	0	2	1	0
Granted	7	3	0	0
<u>Petitions</u>				
Reconsideration				
Filed	1	1	0	0
Granted	1	0	0	0
Denied	0	1	0	0
Reinstatement of License				
Filed	9	7	7	1
Granted	1	2	0	0
Denied	9	3	5	2
Early Termination of Probation				
Filed	2	5	3	2
Granted	1	4	1	1
Denied	1	0	1	2
Modification of Probation				
Filed	1	0	0	0
Granted	1	0	0	0
Denied	0	0	0	0
<u>Probation Cases</u>				
Active	188	173	159	147

* FY 08/09: July 1, 2008 – December 15, 2008

Updated: December 22, 2008

Violation Codes/Descriptions

The Chiropractic Initiative Act of California (ACT):

- 10 – Rules of Professional Conduct
- 15 – Noncompliance With and Violations of Act

California Code of Regulations (CCR):

- 302(a) – Scope of Practice
- 303 – Filing of Addresses
- 304 – Discipline by Another State
- 308 – Display of License
- 311 – Advertisements
- 312 – Illegal Practice
- 316 – Responsibility for Conduct on Premises
- 317 – Unprofessional Conduct
- 318 – Chiropractic Patient Records/Accountable Billing
- 319 – Free or Discount Services
- 355 – Renewal and Restoration
- 360 – Continuing Education Audits
- 367.5 – Application, Review of Refusal to Approve (corporations)
- 367.7 – Name of Corporation

Business and Professions Code (BP):

- 801 – Professional Reporting Requirements (malpractice settlements)
- 810 – Insurance Fraud
- 1051 – Apply for a Corporation with the Board
- 1054 – Name of Chiropractic Corporation

Health and Safety Code (HS):

- 123110 – Patient Access to Health Records

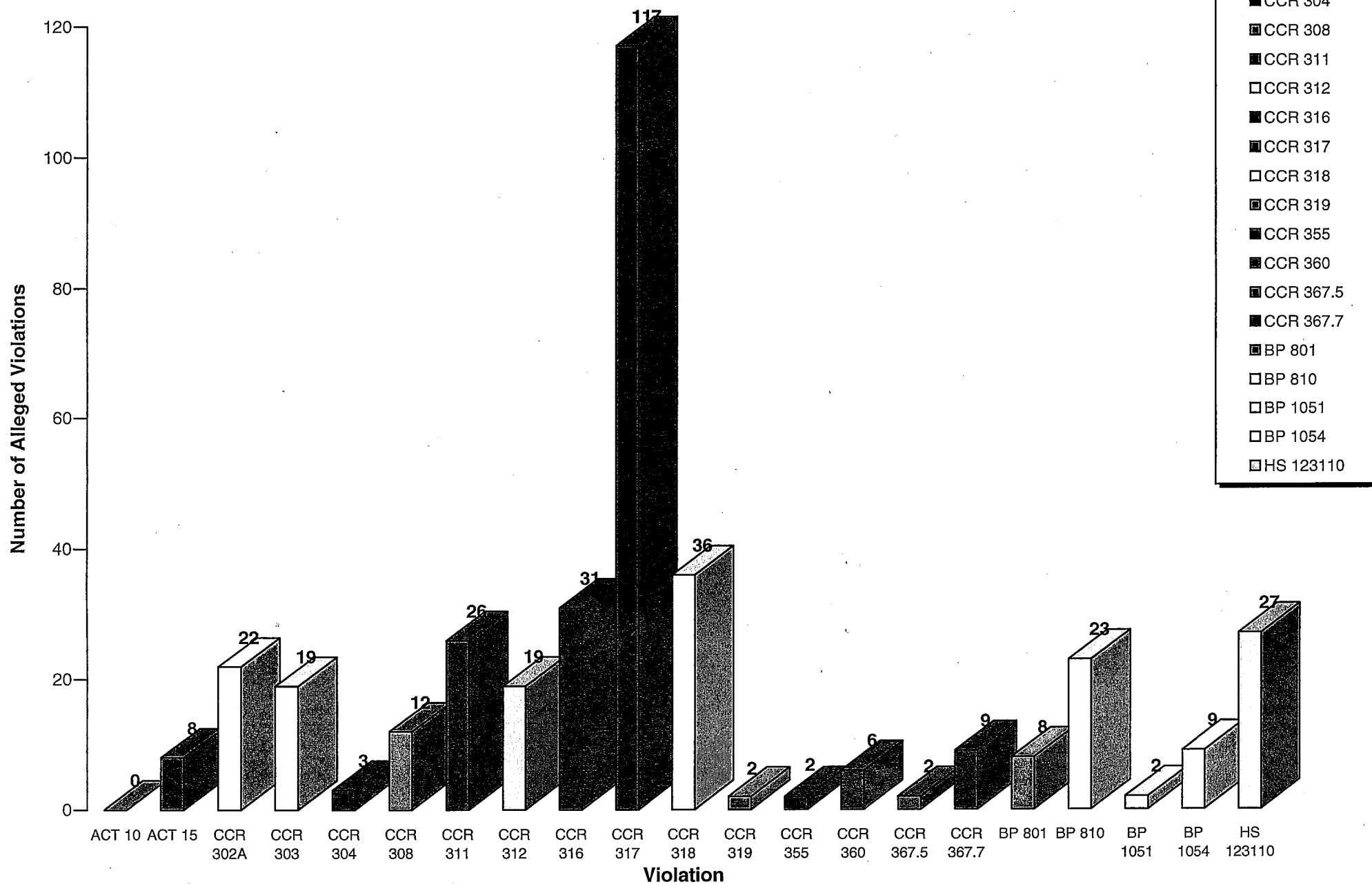
FISCAL YEAR 2009

July 1, 2008 - December 15, 2008

Total Number of Complaints Opened - 265

Total Number of Violations - 383

(A complaint may contain multiple violations)



MEMORANDUM



Date: December 22, 2008

To: Board Members

From: 
Brian J. Stiger
Executive Officer

Subject: Ratification of Formerly Approved Continuing Education Providers

This is to notify the Board that no Continuing Education Providers have been approved during this reporting period.

If you have any questions or concerns, please contact me at your earliest opportunity.

MEMORANDUM



Date: December 22, 2008

To: Board Members

From: 
Brian J. Stiger
Executive Officer

Subject: Ratification of Formerly Approved Doctors of Chiropractic for Licensure

This is to request that the Board ratify the attached list of individuals as Doctors of Chiropractic at the January 8, 2009, public meeting.

Between November 14, 2008 and December 22, 2008, staff reviewed and confirmed that the applicants met all statutory and regulatory requirements.

If you have any questions or concerns, please contact me at your earliest opportunity.

Approval By Ratification of Formerly Approved License Applications
November 14, 2008 – December 22, 2008

Name (First, Middle, Last)			Date Issued	DC#
Daniel	William	Gambino	11/26/2008	31087
Se Jun		Li	11/26/2008	31088
Lance	Kelly	McKnight	11/26/2008	31089
Alex	Wing	Tam	11/26/2008	31090
Hsuan		Wang	11/26/2008	31091
Alan	T.	Zee	11/26/2008	31092
Scott	David	Nissenbaum	12/12/2008	31093
Ami	Gitesh	Shah	12/12/2008	31094
Joon	Hyung	Song	12/12/2008	31095
Gregory	Philip	Vrankovich	12/12/2008	31096
Joshua	Michael	Welch	12/22/2008	31097

MEMORANDUM



Date: December 31, 2008

To: **Board Members**

A handwritten signature in black ink, appearing to be 'BS'.

From: Brian J. Stiger
Executive Officer

Subject: **Ratification of Formerly Denied License Applications**

The Board of Chiropractic Examiners (Board) denies licensure to applicants who do not meet all statutory and regulatory requirements for a chiropractic license in California. An applicant has 60-days after the denial is issued to appeal the decision. If the applicant does not submit an appeal to the Board, the denial is upheld.

Between September 12, 2006, and December 31, 2007, there were four (4) applicants who did not appeal the denial of their license application. There was one (1) probationary license offered but was declined by the applicant. The applicants' names, reason for denial and date of denial are enclosed.

During January 1, 2008, and December 31, 2008, staff reviewed and confirmed that seven (7) applicants did not meet all requirements. Four (4) have appealed the denial of their license application. The Board is working with the Attorney General's office on these appeals. The remaining applicants are still within their 60-day period to appeal our decision.

If you have any questions or concerns, please contact me at your earliest opportunity.

Ratification of Formerly Denied License Applications
Applicants Did Not Submit an Appeal

September 12, 2006 – December 31, 2008

Name (First, Middle, Last)
Reason for Denial

Date Denied

Primes, Tikisa LaRue

10/13/2006

Criminal Convictions:

- Possession or Purchase of cocaine base for sale - Felony
- Possession for sale of marijuana - Felony

Roach, Erik Douglas

09/12/2006

Criminal Convictions:

- Driving while intoxicated - Misdemeanor
- Driving while intoxicated - Misdemeanor

Probationary License Offered

Applicant Declined Probationary License

Sterling, Michael

03/22/2007

Criminal Convictions:

- Driving while intoxicated - Misdemeanor
- Driving while intoxicated - Misdemeanor

Answered Dishonestly on Application

Waggoner, Shaeli

06/22/2007

Criminal Convictions:

- Driving while intoxicated - Misdemeanor
- Possession of Controlled Substance - Felony

Greetings and Happy New Year!

As the current Chair of the Board of Chiropractic Examiners (BCE), it is my pleasure and honor to send out this newsletter. Although it has been several years since the BCE has sent out a publication to California licensees, we expect to send out regular ones from this point forward. This is just one of several vehicles we are developing to make the BCE more transparent, available and responsive to the public, government agencies, the Office of the Governor, the California Legislature, Chiropractic schools and colleges, as well as to California licensed Doctors of Chiropractic.

2008 has been an exceptionally busy and successful year for the Board in terms of our primary mission to protect the public. Specifically, we are actively implementing what we believe will be the most efficient enforcement policy and staff of any current health-related Board. This includes up to six full-time investigators directly employed by the Board who, in addition to regular enforcement activities, have the power to implement surprise inspections of offices. We have also implemented new regulations that allow us to cite and fine from \$100 up to \$5000 per occurrence without having to probate, suspend or revoke a license. We are also advancing a new regulation that allows the BCE to have the ability to write a Letter of Admonishment for lesser violations.

We plan to continue upgrading the BCE in 2009. We are working on no less than seven proposed regulations at present. These include a major revision of continuing education requirements for all licensees, new regulations for Manipulation Under Anesthesia, new regulations for recognizing Board Specialties, and several others you will read about in this newsletter.

As an additional tool to educate the public, we are also working on a brochure on how to choose a Doctor of Chiropractic. This will include areas such as the education requirements for becoming a D.C., how and what we evaluate and treat, and other information designed to better inform the public on what to expect when they visit one of us. When complete, these brochures will be available via our Internet Website and in printed form from the BCE. It is my hope that this will be something every D.C. will be happy to distribute to their patients on an ongoing basis.

In another effort to reach those interested in BCE activities, we hope to be able to broadcast our meetings live on the Internet this year. The meetings will also be recorded and accessible at no charge to anyone, so that one can always review what transpired with the use of a computer and an Internet connection. Data will be sorted by topic, speaker and other similar points of access.

In order to help defray and contain costs, we are requesting that each licensed D.C. provide an e-mail to the BCE so that we can distribute newsletters and other important information electronically.

The advantages are obvious: instant communication and major reductions in mailing costs. You can provide your e-mail by going on-line at (insert link here).

Unfortunately, these advances, coupled with legal costs regarding some recent lawsuits against the BCE, have resulted in the need to raise the annual license fee. At this juncture, we will be seeking to introduce a Bill through the Legislature to accomplish this. We are not sure about the actual amount, but we expect the annual fee to increase by a range of \$25 to \$50 per licensee.

I believe these are the most sweeping upgrades to the standard of care in our profession in decades, and will result in something we can all be very proud of. To achieve all of this, it took a very dedicated, knowledgeable and hard-working group of people. To begin with, a large amount of credit is due to the BCE staff under the direction of Brian Stiger, our Executive Officer. Our appointed Board members have spent hundreds of hours of their own time on building Board policies, attending many meetings and shepherding these regulations through. My profound thanks go out to Hugh Lubkin, D.C., our Vice Chair; Franco Columbu, D.C., our Secretary; Richard Tyler, D.C., our past Chair and current professional member; and our public members, Judge James Duvaras and Mr. James Conran. The collective dedication of these gentlemen to the BCE goes beyond description, and I am extremely proud to serve with them.

We would not have these regulations at their current levels without the constant participation, support and input of the California-based professional associations, namely the California Chiropractic Association and the International Chiropractic Association of California, all of the California Chiropractic Colleges and Universities and many members of the public and profession who regularly attend BCE meetings and participate in Committees and Work Groups. As we move forward on existing proposed regulations as well as anticipated new ones, we invite any and all interested parties to attend Board meetings and participate in areas of interest to you.

As you can see, the BCE is in a very active phase, and we welcome your participation as we continue along the road ahead.

Sincerely,

Fred N. Lerner, D.C.
Chair, Board of Chiropractic Examiners

ACCUSATIONS FILED

July 1, 2008 – December 15, 2008

Name and City	License No.	Date Filed	Alleged Violations
Aboul-Hosn, Zeyad Newport Beach	DC 28609	09/19/2008	• Conviction of a crime • Unprofessional conduct
Aguilar, John Fresno	DC 17247	09/11/2008	• Conviction of a crime • Unprofessional conduct
Andrues, Kris Vallejo	DC 20900	07/02/2008	• Unlicensed practice • Unprofessional conduct
Bloxtton, Russell Oceanside	DC 23747	07/11/2008	• Conviction of a crime • Unprofessional conduct
De La Vara, Juan Riverbank	DC 28054	09/11/2008	• Conviction of a crime • Unprofessional Conduct
Diamond, Michael Westchester	DC 24070	11/18/2008	• Conviction of a crime • Unprofessional Conduct
Gleason, Michael Palo Alto	DC 28875	10/01/2008	• Conviction of a crime • Unprofessional Conduct
Hoang, Philip Moreno Valley	DC 27776	12/01/2008	• Fail to maintain records • Fail to release records
Kullrich, Regan North Fork	DC 20272	08/19/2008	• Conviction of a crime • Unprofessional Conduct
Parolise, Anthony Los Banos	DC 20737	09/23/2008	• Sexual Misconduct
Pham, Henry Yorba Linda	DC 22434	09/11/2008	• Sexual Misconduct • Conviction of a crime • Unprofessional Conduct
Reynoso, Jose Hayward	DC 22135	09/23/2008	• Conviction of a crime • Unprofessional Conduct
Reynoso, Ramon Hayward	DC 20365	09/19/2008	• Conviction of a crime • Unprofessional Conduct
Walter, Michael Orange	DC 20831	10/17/2008	• Conviction of a crime • Unprofessional Conduct
Whitcomb, Paul South Lake Tahoe	DC 11681	11/10/2008	• Unprofessional Conduct • Fail to maintain records • False/Misleading Advertising

DISCIPLINARY ACTIONS

July 1, 2008 – December 15, 2008

Name and City	License No.	Action	Effective Date	Violations
Allen, Richard San Rafael	DC 12733	• Revocation Stayed • 15 Day Suspension • 5 Years Probation	07/07/2008	• Sexual misconduct • Unprofessional conduct • Fail to maintain patient records
Anderson, Paul Petaluma	DC 18305	• Voluntary Surrender of License	11/02/2008	• Conviction of a crime • Unprofessional conduct
Boswein, Daniel Fresno	DC 30981	• Revocation Stayed • 5 Years Probation	07/29/2008	• Discipline in another state
French, Ronald Ventura	DC 30982	• Revocation Stayed • 2 Years Probation	08/27/2008	• Conviction of a crime • Unprofessional conduct
Giventer, Alex Los Angeles	DC 22345	• Revocation	12/10/2008	• Unprofessional conduct • Misrepresentation/Fraud • Fail to ensure accurate billings
Kim, Han Los Angeles	DC 27339	• Revocation	11/03/2008	• Conviction of a crime • Insurance fraud
Maniscalco, Steven Anaheim	DC 30195	• Revocation	09/25/2008	• Conviction of a crime • Unprofessional conduct
Rightmyer, Vicki Costa Mesa	DC 27636	• Revocation Stayed • 30 Day Suspension • 3 Years Probation	10/10/2008	• Conviction of a crime • Unprofessional conduct

CITATIONS ISSUED

July 1, 2008 – December 15, 2008

Name and City	License No.	Fine Amount	Date Issued	Violations
Anderson, Christine Los Angeles	DC 20869	\$2,000	12/11/2008	• False/Misleading advertisement
Cantong, David Los Angeles	DC 21916	\$250	09/19/2008	• Fail to provide records to the Board
Chamberlain, Scott Selma	DC 20545	\$400	12/10/2008	• Fail to release records
Chin, Henry Los Angeles	DC 28465	\$100	10/03/2008	• Fail to file current address with the Board
Cortes, Nelson Downey	DC 29912	\$200	10/14/2008	• Fail to release records
Emley, Joe Laguna Beach	DC 15514	\$150	09/19/2008	• Fail to file current address with the Board • Fail to display license
Fields, Adam San Jose	DC 23615	\$350	12/12/2008	• Renewal and restoration
Hamvay, Steven Downey	DC 30541	\$250	12/12/2008	• Unlicensed practice
Loeffler, Curtis Hemet	DC 16701	\$500	11/12/2008	• Fail to release records
Nayab, Laila Orange	DC 28826	\$100	08/25/2008	• Unlicensed practice
Phan, David Diamond Bar	DC 25784	\$400	12/12/2008	• Unlicensed practice
Reyes, Daniel Visalia	DC 18251	\$250	10/08/2008	• Unlicensed practice
Vigil, David Seal Beach	DC 16157	\$200	09/19/2008	• Use of inappropriate title

Memorandum

To: **Brian Stiger, Executive Officer, Board of Chiropractic Examiners,
Department of Consumer Affairs**

From: **Michael Christensen, Legal Intern
Department of Consumer Affairs**

Date: **July 17, 2008**

Re: **License Fees**

You have indicated that the Board wants to raise license fees and have asked how to go about getting approval to raise the fees. The current state of the law is that license fees are not to exceed \$150, pursuant to section 12 of the Chiropractic Initiative Act. Any changes to the maximum amount originally had to be approved by the voters, but section 12.5 (added later by voter approval) permits the legislature to fix the amount *without* voter approval. You are correct that you can use 12.5 to sponsor legislation to raise the fees. It may be helpful to point out that the \$150 maximum has been around since 1983!

I have attached an analysis of the proposition approved by the voters in 1960 that gives the Legislature authority to fix the fees.

Joint Committee on Boards, Commissions & Consumer Protection

Sunset Review Report

September 2005

- The Board is carefully reviewing the current fee structure for several areas where fees are collected. The Board currently does not have the regulatory authority to collect the corporation annual report filing fee, duplicate renewal receipt fee, satellite renewal fee, and license certification fee, all fees it has historically charged. In order to realign the fee structure the Board is researching what the appropriate fee amount should be for the services rendered. Presently, the cost to prepare the document is more than the amount the Board charges.
- To ensure the Board is reimbursed for providing related services, the Board staff is proposing a new fee structure by securing proper authority to charge such fees and establishing them at the following levels:

Fee Schedule	Current Fee	Proposed Fee
Application Fee	\$100	*\$ 100
Initial License Fee	\$100	*\$ 100
Renewal Fee	\$150	*\$ 100
Duplicate Receipt/Renewal License***	\$ 5	\$ 25
Inactive License Renewal Fee	\$150	\$ 70
Forfeiture Fee (late renewal fee)	\$150	*\$ 100
College Approval Application Fee***	0	\$1,500
Continuing Education Course Fee	\$ 50	**\$ 30
Continuing Education Provider Fee***	0	\$ 350
Continuing Education Provider Renewal Fee***	0	\$ 200
Corporation Registration Application Fee	\$100	\$ 250
Corporation Special Report Filing Fee	\$ 5	\$ 40
Corporation Annual Renewal Fee***	\$ 10	\$ 150
License Certification/Out-of-State Verif.***	\$ 10	\$ 50
Reciprocal License Application Fee	\$ 25	\$ 125
Referral Service Application Fee	\$ 25	\$ 150
Replacement License Fee	\$ 25	\$ 40
Satellite Certificate Application Fee	\$ 5	\$ 50
Satellite Renewal Fee***	\$ 5	\$ 50

*Authority for fee amount is in the Act.

**Per each hour of course content requested.

***These fees will need to be established in the proposed fee regulation.

A revised fee structure is necessary to bring the charges more in-line with the services. It is anticipated that it will ultimately increase the Board's revenues. To offset the increased fees, a reduction in the annual renewal fee, forfeiture fee, and inactive license fee is proposed. Prior to any fee restructure the Board will consult with Department of General Services, which prepares the Board's fund condition to determine the impact of the revised fee schedule on the Board's overall budget.

**Current - Proposed License Fee Revisions
December 2008**

Fee Type	Current Fee	Proposed Fee Minimum	Proposed Maximum Fee
a. Application for DC Examination	\$100	\$125	\$350
b. Initial License Fee	\$100	\$125	\$250
c. Annual License Renewal (Active)	\$150	\$200	\$350
d. Annual License Renewal (Inactive)	\$150	\$200	\$350
e. Inactive License to Active License	\$25	\$70	\$150
f. Restoration of Cancelled License	\$300	\$200	\$350
g. Chiropractic College Application Fee	n/a	\$1500 + onsite inspection costs	
h. Chiropractic College Renewal Fee	n/a	\$250	\$500
i. Chiropractic Corporation Application	\$100	\$250	\$500
j. Chiropractic Corporation Annual Renewal	n/a	\$150	\$400
k. Satellite Office Application	\$5	\$75	\$150
l. Satellite Office Annual Renewal	\$5	\$50	\$150
m. Reciprocal License Application	\$25	\$125	\$350
n. CE Provider Application	n/a	\$350	\$500
o. CE Provider Annual Renewal	n/a	\$200	\$400
p. CE Course Approval Application	\$50	\$75	\$150
q. Referral Service Application	\$25	\$150	\$350
r. Referral Service Annual Renewal	n/a	\$100	\$300

Board of Chiropractic Examiners

2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
Telephone (916) 263-5355 FAX (916) 263-5369
CA Relay Service TT/TDD (800) 735-2929
Consumer Complaint Hotline (866) 543-1311
www.chiro.ca.gov

**Proposed Legislation to Increase License Fees****January 8, 2009**

The amount of fees prescribed by this article is fixed by the following schedule:

- (a) The fee for filing an application for the doctor of chiropractic examination shall be set by the board at a minimum of one hundred twenty five dollars (\$125) not to exceed three hundred fifty dollars (\$350).
- (b) The initial license fee for a doctor of chiropractic shall be set by the board at a minimum of one hundred twenty five dollars (\$125) not to exceed two hundred fifty dollars (\$250).
- (c) The annual renewal fee for a doctor of chiropractic shall be set by the board at a minimum of two hundred dollars (\$200) not to exceed three hundred fifty dollars (\$350).
- (d) The annual renewal fee for an inactive active doctor of chiropractic license shall be set at the same amount as the annual renewal fee of an active doctor of chiropractic license.
- (e) The fee for filing an application to return an inactive license to active status shall be set by the board at a minimum of seventy dollars (\$70) not exceed one hundred fifty dollars (\$150).
- (f) The fee for filing an application to restore a cancelled license to an active license shall be set at twice the annual renewal fee for a doctor of chiropractic.
- (g) The fee for filing an application for approval of a chiropractic school or college shall be set by the board at a minimum of one thousand five hundred dollars (\$1,500). The chiropractic school or college shall also pay for the actual costs of an onsite inspection conducted by the board, including, but not limited to, the travel, food, and lodging expenses incurred by an inspection team sent by the board.

- (h) The annual renewal fee for a chiropractic school or college shall be set by the board at a minimum of two hundred fifty dollars (\$250) not to exceed five hundred dollars (\$500).
- (i) The fee for filing an application to register a chiropractic corporation shall be set by the board at a minimum of two hundred fifty dollars (\$250) not to exceed five hundred dollars (\$500).
- (j) The annual renewal fee for a chiropractic corporation shall be set by the board at a minimum of one hundred fifty dollars (\$150) not to exceed four hundred dollars (\$400).
- (k) The fee for filing an application for a satellite certificate shall be set by the board at a minimum of seventy five dollars (\$75) not to exceed one hundred fifty dollars (\$150).
- (l) The annual renewal fee for a satellite certificate shall be set by the board at a minimum of fifty dollars (\$50) not to exceed one hundred fifty dollars (\$150).
- (m) The fee for filing an application for a reciprocal license shall be set by the board at a minimum one hundred twenty five dollars (\$125) not to exceed three hundred fifty dollars (\$350).
- (n) The fee for filing an application for a continuing education provider shall be set by the board at a minimum of three hundred fifty dollars (\$350) not to exceed five hundred dollars (\$500).
- (o) The annual renewal fee for a continuing education provider shall be set by the board at a minimum of two hundred dollars (\$200) not to exceed four hundred dollars (\$400).
- (p) The fee for filing an application to approve a continuing education course shall be set by the board at a minimum of seventy five dollars (\$75) not to exceed one hundred fifty dollars (\$150) for each course.
- (q) The fee for filing an application for a referral service application shall be set by the board at a minimum of one hundred fifty dollars (\$150) not to exceed three hundred fifty dollars (\$350).
- (r) The annual renewal fee for a referral service shall be set by the board at a minimum of one hundred dollars (\$100) not to exceed three hundred dollars (\$300).

- (s) The forfeiture fee or delinquency fee for subsections (c), (h), (j), (l), and (o) of this section shall be set at twice the annual renewal fee for that subsection.
- (t) Any charge made for duplication or other services shall be set at the cost of rendering the services.

**Board of Chiropractic Examiners
Proposed Regulations Update
December 30, 2008**

Proposed Regulation	Purpose	Status
Petitions for Reinstatement	To extend the time frame that a licensee may petition the board for reinstatement of a license, modification of probation, or early termination or probation.	<p>February 3, 2009: Projected filing date with OAL</p> <p>February 13, 2009 – March 30, 2009: Projected 45-day written comment period</p> <p>March 31, 2009: Projected public hearing in Sacramento</p>
Manipulation Under Anesthesia (MUA)	To establish a safe standard of care when a chiropractor is performing MUA.	<p>December 30, 2008: Notice of Proposed Regulation filed with OAL</p> <p>January 9, 2009: - February 23, 2009: Projected 45-day written comment period</p> <p>February 24, 2009: Public hearing in Sacramento</p>
Letter of Admonishment	<p>To authorize the Board the ability to issue a letter of admonishment to licensees for failure to comply with any laws or regulations governing the practice of chiropractic.</p> <p>This provides the Board with an informal method to address minor violations that do not rise to the level of citations or an accusation.</p>	<p>July 8, 2008: Notice of Proposed Regulation filed with the Office of Administrative Law (OAL)</p> <p>July 18, 2008 – September 1, 2008: 45-day written comment period</p> <p>September 1, 2008: Public Hearing in Sacramento</p> <p>December 30, 2008: Pending review and approval from Department of Finance (DOF) regarding the Economic and Fiscal Impact Statement required for filing final rulemaking file with OAL</p>

**Board of Chiropractic Examiners
Proposed Regulations Update
December 30, 2008**

Chiropractic Quality Review Panels (CQRP)	<p>To repeal the requirements of CQRP's.</p> <p>As of today, this regulation has not been implemented.</p> <p>As currently written, this regulation is too expensive to implement, the panels created would be ineffective due to their limited scope of action, and the member's lack of knowledge of procedures could promote inconsistency in rulings.</p>	<p>August 5, 2008: Notice of Proposed Regulation filed with the OAL</p> <p>August 15, 2008 – September 29, 2008: 45-day written comment period</p> <p>September 29, 2008: Public Hearing in Sacramento</p> <p>December 29, 2008: Received verbal approval of the Economic and Fiscal Impact Statement from DOF</p> <p>*January 6, 2009: Projected filing final rulemaking file with OAL</p>
-------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

* OAL has 30 days to review the final rulemaking file and notify the Board if approved or denied. If approved, the tentative effective date of this regulation will be March 6, 2009.

Proposed Regulatory Language for Continuing Education

Revised December 23, 2008

California Code of Regulations, Title 16, Division 4, Article 6

Annual License Renewal

To renew a license, a licensee shall complete and submit a "Renewal Application," (Rev. insert date) form which is incorporated by reference, and pay the annual renewal fee of one hundred fifty dollars (\$150). The renewal application and renewal fee shall be submitted to the board prior to the expiration date of the license. The board will not process incomplete applications or complete applications that do not include the correct renewal fee.

In addition to any other requirement for renewal of a license, a licensee shall disclose whether, since the last renewal of his or her license, he or she has been convicted of any violation of the law in this or any other state, the United States, or other country. However, licensees are not required to disclose traffic infractions that resulted in fines of less than five hundred dollars (\$500) that did not involve alcohol, dangerous drugs, or controlled substances.

Restoration of a Forfeiture License

A license that is not renewed within sixty (60) days after the license expiration date shall be deemed in forfeiture status. To restore a license in forfeiture status to active status, an applicant shall complete and submit a "Restoration Forfeiture Application," form (Rev. insert date) which is hereby incorporated by reference, and pay the license restoration fee.

The restoration application must be submitted to the board within the period that the license is in forfeiture status.

A license that has not been renewed after five (5) years has elapsed from the license expiration date is deemed cancelled and is not eligible to be restored under this section.

In addition to the application requirement, an applicant shall have met one of the following:

(1) Completed the board's continuing education requirements that were in effect at the time for each year the license was expired;

(2) Practiced in another state under an active valid license and completed all continuing education requirements for that state for each twelve (12) month period or portion thereof the license was expired;

(3) Passed the National Board of Chiropractic Examiners (NBCE) Special Purposes Examination for Chiropractors examination within six (6) months prior to submitting the license restoration application.

Inactive License.

The renewal fee for a license in an inactive status shall be the same fee assessed for renewal of an active license. Licensees holding an inactive license shall be exempt from continuing education requirements. The holder of an inactive license may not engage in the practice of chiropractic during the time that his or her license is inactive.

To return an inactive license to active status, the licensee shall complete and submit the "Inactive to Active Status" form (Rev. (insert date), which is hereby incorporated by reference, and pay a fee of thirty-five dollars (\$35).

In addition to the application requirement, an applicant shall have met one of the following:

(1) Completed the board's continuing education requirements that were in effect at the time for each year the license was expired;

(2) Practiced in another state under an active valid license and completed all continuing education requirements for that state for each twelve (12) month period or portion thereof the license was expired;

(3) Passed the National Board of Chiropractic Examiners (NBCE) Special Purposes Examination for Chiropractors examination within six (6) months prior to submitting the license restoration application.

Cancellation Restoration

The board shall cancel a license if it not renewed within five (5) years of the license expiration date. Applicants may apply to restore a cancelled license after two (2) years have elapsed from the license cancellation date as specified in section 10 (c) of the Act. To restore a cancelled license, an applicant shall complete and submit an "Application for Restoration after Cancellation" form (Rev. insert date), which is hereby incorporated by reference, and pay a fee of twice the annual renewal fee.

In addition to the application requirement, an applicant shall have met one of the following:

(1) Provided evidence that he or she has completed the board's continuing education requirements that were in effect for each year the license was expired;

(2) Practiced in another state under an active valid license and completed all continuing education requirements for said state for each twelve (12) month period or portion thereof the license was expired;

(3) Passed the National Board of Chiropractic Examiners (NBCE) Special Purposes Examination for Chiropractors examination within six (6) months prior to submitting the license restoration application.

Continued Jurisdiction of a License.

The suspension, expiration, cancellation or forfeiture by operation of law of a license issued by the board or its suspension, or forfeiture, by order of the or by order of a court of law or its surrender without the written consent of the shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive of its authority to institute or continue a any existing disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

Licensee Continuing Education Requirements

Licensees shall complete a minimum of twenty four (24) hours of board approved continuing education courses during the year preceding his or her annual license renewal period. A maximum of twelve (12) hours of continuing education may be completed through distance learning pursuant to the requirements set forth in section of these regulations. It is the responsibility of the licensee to actively participate in the continuing education course by remaining focused on the material being presented throughout the duration of the course. Licensees shall complete continuing education courses as prescribed below:

MANDATORY:

Each licensee shall complete a minimum of four (4) hours of instruction in any one of, or a combination of, the following courses:

1) The vertebral subluxation complex and somato-visceral, viscero-somatic reflexes including their relationships between disease and health.

2) Instruction in various, basic to comprehensive physical examination procedures, which at a minimum shall include orthopedic, neurological and general diagnosis related to evaluation of the neuro-musculoskeletal systems, but may also address differential diagnose of various conditions that affect the human body, provided this instruction is consistent with the provisions of CCR 302.

3) The interpretation of various diagnostic imaging procedures and technologies, clinical chemistry analysis and interpretations, to assist the doctor in differential diagnosis of disorders or diseases which help to better analyze and treat patients, as long as these are consistent with the provisions set forth in section 302.

CATEGORY I:

Each licensee shall complete a minimum of ten (10) hours in any of the following courses or subject matter:

- (1) Chiropractic adjustive technique or chiropractic manipulation techniques.
- (2) Taking and recording an accurate and detailed patient history.
- (3) Procedures and techniques related to differential diagnosis; including diagnostic testing: clinical chemistry and related laboratory analysis; diagnostic x-ray; MRI; PET Scan; Bone Scan; CT Scan; and any other advanced imaging studies or procedures;
- (4) Pain management including current trends in treatment and instruction in the physiology and anatomy of acute, sub-acute and chronic pain;
- (5) Physiotherapy techniques, including the theory of and application of physiotherapies, including but not limited to: ultrasound including extracorporeal shock wave therapy; therapeutic laser, electric stimulation modalities; heat and cold, short wave diathermy;

myofascial release; massage therapies; and instruction in the physiology of and appropriate use for physiotherapy.

(6) Instruction in manipulation under anesthesia including the safe handling of patients under anesthesia.

(7) Instruction in various aspect of geriatric and pediatric care as related to the practice of chiropractic.

CATEGORY II:

Each licensee shall complete a minimum of ten (10) hours in any of the following courses or subject matters or attendance of board meetings:

(1) Courses that are approved by the California Department of Industrial Relations, Division of Workers Compensation;

(2) Courses that are approved by any Healing Arts or Bureau within Division 2 of the Business and Professions Code or approved by any organization authorized to approve continuing education by any Healing Arts or Bureau in Division 2 of the Business and Professions Code;

(3) Instruction in proper and ethical billing and coding, including accurate and effective record keeping and documentation of treatment, evaluation and progress of their patient;

(4) Truth in advertising;

(5) Ethics and law: including professional boundaries, mandatory reporting requirements for child abuse/neglect, elder abuse/neglect, spousal abuse/neglect; review of the specific laws, rules and regulations related to the practice of chiropractic in the State of California;

(6) Adverse event avoidance, including reduction of potential malpractice issues;

(7) Pharmacology, including side effects, drug interactions of various commonly prescribed and over-the-counter drugs, blood and urinalysis testing used in the diagnosis and detection of disease, including use of and interpretation of urinalysis and drug testing strips or kits.

(8) Philosophy of chiropractic, including the historical development of chiropractic as an art and science and health care approach.

(9) Cardiopulmonary resuscitation: A licensee may earn a maximum of two (2) hours.

(10) Board Meeting: A licensee shall earn a maximum of four (4) hours of continuing education credit in Category II for attending a full meeting that includes the hearing of cases related to petitioners seeking the reinstatement of revoked licenses or early termination of probationary licenses. A petitioner may not earn any continuing education credit for attending a board meeting on the same day in which said petitioner's hearing is conducted. A licensee may earn a maximum of four (4) hours of continuing education credit for the license renewal period under this subsection.

Continuing Education Exemptions, Reductions and Accommodations

The following licensees are exempt, entirely or in part, from the continuing education requirements of Section _____:

(1) New licensees in the year of initial licensure.

(2) Instructors who have taught for two consecutive years and currently teach clinical diagnosis, anatomy, physiology, or other core science courses for more than 20 hours per week at any Council on Chiropractic Education accredited college for at least six (6) months during any license renewal period year may earn twelve (12) hours of continuing education in either Category I or Category II courses.

(3) Active board members are exempt from continuing education requirements in each year of member service.

(4) Licensees who teach a board-approved continuing education course may earn one (1) hour of continuing education credit for each two (2) hours of lecture not to exceed twelve (12) hours during any license renewal period in either Category I or Category II courses. Credit for the same course presentation shall be granted only once during each year.

(5) Licensees who participate both days as an examiner for the part four portion of the NBCE examinations shall receive a maximum of six (6) hours of continuing education credit for each two day examination period conducted by the NBCE during the license renewal period in either Category I or Category II courses. Examiners must provide written certification from the NBCE confirming the examiner's involvement in the exam.

(6) A licensee who is unable to attend continuing education courses due to a physical disability and provides written certification from a primary health care provider may be exempted from completing continuing education requirements.

(7) Licensees on active duty of a branch of the armed forces of the United States may earn twenty four (24) hours of continuing education requirements through board-approved distant learning courses.

(8) Licensees who author published articles related to the chiropractic profession may receive a maximum of twelve (12) hours of continuing education credit in either Category I or Category II courses for each research study published in a peer reviewed, nationally recognized, and scientifically based publication.

A licensee may not earn more than a maximum of twelve (12) hours of continuing education hours under this subsection.

Continuing Education Providers

As used in this section, a "provider" is an individual, partnership, corporation, professional association, college or any other entity approved by the board to offer board approved continuing education courses to licensees to meet the annual continuing education requirement set forth in section _____ of these regulations.

(a) To apply to become a provider, an applicant shall complete and submit a "Continuing Education Provider Application" form (Rev. insert date) which is hereby incorporated by reference form, and pay a fee of thirty-five dollars (\$35).

The board will not process incomplete applications or applications that do not include the correct application fee.

If the board denies an application under this section, the applicant may request an informal hearing on the denial with the Executive Officer within 30 days of the denial date. Upon request for informal hearing, the Executive Officer shall schedule the informal hearing within 30 days of receipt of request. Within 10 days following the hearing, the Executive Officer shall provide written notification of his or her decision to the applicant. The Executive Officer's decision shall be the final order in the matter. The approval of the provider shall expire two (2) years after it is issued by the board and may be renewed upon the filing of the required application and fee referenced in this subsection.

(b) Providers shall:

(1) Identify an individual responsible for overseeing all continuing education activities of the provider;

(2) Ensure that the instructors teaching Mandatory and Category I courses in section _____ of these regulations have taught for the previous five (5) consecutive years in the subject matter being taught;

(3) Establish and maintain procedures for documenting completion of courses, retain attendance records for four (4) years from the date of course completion and shall provide a course roster to the board upon written request. Course rosters shall include the names of all licensees, license numbers, and e-mail addresses if available. Failure to submit the roster upon written request by the within thirty (30) days may result in the withdrawal or denial of previous course approval and withdrawal of provider status;

(4) Maintain course instructor curriculum vitas or resumes for four (4) years, if applicable.

(5) Provide to each attendee a "Continued Education Course Survey" form (Rev. insert date) which is incorporated herein by reference at the conclusion of the course.

A provider may not grant continuing education hours to a licensee who fails to complete and turn in a Continued Education Course Survey. Each provider shall retain all course surveys for four (4) years.

Upon written request of the board, providers shall provide all course surveys to the board within thirty (30) days of request.

(6) If a participant's absence from the room exceeds ten (10) minutes during any one hour instruction period, his or her credit for that hour shall be forfeited and such forfeiture shall be noted in the provider's attendance report in accordance with the section _____ of these regulations.

(7) Ensure availability to course participants of meeting rooms, study aids, audiovisual aids, and self-instructional materials designed to foster learning and ensure student comprehension of the subject matter and concepts being taught;

(8) Disclose to prospective participants the names of the individuals or organizations, if any, who have underwritten or subsidized the course.

Providers may not advertise, market, or display materials or items for sale inside the room where the actual instruction is taking place;

(9) Providers shall inform the board in writing immediately of any change to the date, time or location of the course.

(10) Providers shall provide a certificate of completion to licensees who completed the continuing education course. The certificate shall include the following information.

(a) Name of provider

(b) Course approval number

(c) Date(s) of course

(d) Licensee name

(e) License number

(f) Identify the course category, Mandatory, Category I, Category II and the number of hours the licensee earned in each category.

Continuing Education Course Requirements

The basic objectives and goals of continuing education are the growth, maintenance of knowledge and competency, the cultivation of skills, and greater understanding, with a continual striving for excellence in chiropractic care and the improvement in the health and welfare of the public and this must be demonstrated in the programs presented.

(A) Providers must complete and submit a "Continuing Education Course Application" form (Rev. insert date) which is hereby incorporated by reference, and pay the application fee of seventy five dollars (\$75).

Providers shall submit and complete one application for each continuing education course being offered.

If the board denies an application under this section, the applicant may request an informal hearing on the denial with the Executive Officer within 30 days of the denial date. Upon request for informal hearing, the Executive Officer shall schedule the informal hearing within 30 days of receipt of request.

Within 10 days following the hearing, the Executive Officer shall provide written notification of his or her decision to the applicant. The Executive Officer's decision shall be the final order in the matter.

(B) Only those courses that meet the following shall be approved:

(1) No more than eight (8) hours of instruction shall be given during a twenty four (24) hour period.

(2) Continuing education credit shall be based on at least fifty (50) minutes of participation in an organized learning experience.

Class breaks shall be at the discretion of the instructor. However, the instructor shall not exceed three (3) hours of continuous instruction without a break of at least fifteen (15) minutes. Breaks shall not count towards a course hour. To assure attendance, the course provider or designated monitor shall stamp or otherwise note, on each attendee's attendance form, that he or she was present during each hour of instruction.

(3) Continuing education courses offered through distance learning must be in a format approved by the board including manuals, compact disks, digital video or versatile discs, audio and video tapes, research projects, computer or Internet courses and other emerging formats.

Licensees are restricted from taking the same distance learning course within any license renewal period. Distance learning courses shall:

(a) Disclose course curriculum vitae or resumes.

(b) Explain the appropriate level of technology required for student to successfully participate in course.

(c) Make available technical assistance as appropriate to the format

(d) Contain security measures to protect learner's identity, course and related content.

(e) Establish deadline for completion.

(f) Allow for licensee and instructor interaction in a timely manner.

(g) Show formal outcome assessment of course.

(h) Instructional materials are reviewed annually to ensure they meet current professional standards.

(i) Require licensee to sign an affidavit of compliance and verify completion of enrolled hours of distance education.

(j) Distance learning courses are required to be marketed without promotional material or advertisements embedded in the continuing education course delivery system. The continuing education provider shall notify the licensee when he or she is leaving a continuing education site and directed to a promotional or sponsored site.

Manufacturers of chiropractic products or services may not be endorsed or embedded into the course material.

(4) The board may not approve the following subjects for continuing education courses: financial management, income generation, practice management, collections, self-motivation, practice building, and patient recruitment.

(5) Any material change of course content requires submittal of a new application.

(6) The board's designee, after notification, may withdrawal approval of any continuing education course, and shall notify the provider of such action. The provider may appeal the decision to the Executive Officer within 30 days of such notice.

The provider may appeal the Executive Officer's decision by requesting that the appeal be heard at a board meeting before the Board Members.

(7) The board or its designee shall not be restricted from inspecting, observing, or auditing any approved chiropractic course in progress, at no charge.

A provider may not issue a continuing education certificate of completion to a member of the board or it's designee who audited the continuing education course without paying a fee to attend the course.

Continuing Education Audits.

The board shall conduct audits to verify compliance with continuing education requirements of licensees.

Licensees shall retain documents of completion issued to them at the time of attendance of board approved Continuing Education courses for a period of four (4) years from their last renewal and shall forward these documents to the board upon request.

Licensees who fail to retain documents of completion shall obtain duplicate documents, from board approved providers, who shall issue duplicates only to licensees whose names appear on the providers' rosters of course attendees. The documents of completion shall be clearly marked "duplicate" and shall contain the licensees' names and license numbers, as well as providers' names, course approval numbers, dates of attendance, and hours earned.

Licensees who furnish false or misleading information to the board regarding their Continuing Education hours shall be subject to disciplinary action. Providers who present false or inaccurate verification of a licensee's participation shall lose their provider status for a minimum of ten (10) years.

**Proposed Regulation for the Fingerprinting of Applicants, Licensees,
and Petitioners**

Add Section _____ to the California Code of Regulations.

- (a) Applicants for licensure and petitioners for reinstatement of a revoked or cancelled license shall successfully complete a state and federal level criminal offender record information search conducted through the Department of Justice (DOJ) as provided in subdivision (b).
- (b) Applicants and petitioners shall submit to the DOJ fingerprint images and related information required by the DOJ for the purpose of obtaining information as to the existence and content of a state or federal criminal record. The DOJ shall forward the fingerprint images and related information received to the Federal Bureau of Investigation and request federal criminal history information. The DOJ shall compile and disseminate state and federal responses to the board pursuant to subdivision (p) of Section 11105 of the Penal Code. The board shall request from the DOJ subsequent arrest notification service, pursuant to Section 11105.2 of the Penal Code, for each person who submitted information pursuant to this subdivision. The applicant or petitioner shall bear the cost of the fingerprinting.
- (c) Licensees who have either not previously submitted fingerprints to the board, or for whom a record of an electronic submission of fingerprints no longer exists, or who are directed by the board shall successfully complete a state and federal level criminal offender record information search conducted through the DOJ as provided in subdivision (b).

A licensee's failure to comply with this requirement by the date designated by the board is unprofessional conduct and may result in the board taking disciplinary action against his or her license.

(d) (1) In order to renew a license, licensees subject to subdivision (c) shall, in addition to meeting any other requirements for renewal of a license, certify on the renewal application that the licensee has successfully completed a state and federal level criminal offender record information search pursuant to subdivision (c).

(2) Licensees shall retain, for at least three years, either a receipt showing that he or she has electronically transmitted his or her fingerprint images to the DOJ or, for those licensees who did not use an electronic fingerprinting system, a receipt evidencing that the licensee's fingerprints were taken.

(e) The board may waive the requirements of subdivision (c) and (d) for licensees who are actively serving in the military.

**Proposed Regulatory Language for Recognizing Chiropractic Specialties
December 30, 2008**

~~(a) For the purposes of Title 8 of the California Code of Regulations Sections 12 and 13, The State board of Chiropractic Examiners recognizes the those specialty programs that are recognized by the American Chiropractic Association, the International Chiropractors Association, and equivalent specialty programs as determined by the board. that are acceptable to the board.~~

~~(b) Section (a) shall not be construed to limit advertising that is otherwise allowed by law. It shall constitute unprofessional conduct for a licensee to advertise that he or she is certified by a specialty program unless said specialty program is recognized by the American Chiropractic Association the International Chiropractors Association, or approved by the board.~~

~~(c) This section shall not be construed to limit advertising that is otherwise allowed by law.~~

PROPOSED REGULATIONS RE PETITIONERS

Petitions for Reinstatement.

(a) A petitioner pursuant to section 10 (c) of the Initiative Act whose license has been revoked or cancelled may not petition the board for reinstatement until two (2) years has elapsed since the effective date of the decision revoking the license or the date the license was cancelled.

(b) A petitioner pursuant to section 10 (c) of the Initiative Act who has had a petition for reinstatement denied may not file another petition until three (3) years has elapsed since the effective date of the most recent denial.

(c) A petitioner who is subject to section 1003 of the Business and Professions Code may not petition the board for reinstatement until ten (10) years has elapsed since the effective date of the decision revoking the license.

Proposed Regulatory Language for MUA

Section 318.1 is hereby added to Title 16, Division 4, Article 2 of the California Code of Regulations:

318.1 Standard of Care re Manipulation Under Anesthesia (MUA)

(a) MUA may only be performed in a hospital or ambulatory surgery center that is licensed by the California Department of Public Health, Bureau of Hospital Licensing and Certification or a hospital or ambulatory surgery center that is accredited by the Joint Commission on Accreditation of Healthcare Organizations, the American Association for Accreditation of Ambulatory Surgery, the Accreditation Association for Ambulatory Health Care, Medicare, Det Norske Veritas Healthcare Incorporated, or the Institute for Medical Quality. If any of the above named organizations changes its name the Board shall continue to recognize the organization.

(b) Anesthesia may only be administered by a California licensed physician and surgeon, or other health care provider authorized under California law to administer anesthesia. The chiropractor may not direct, instruct, interfere, or make any orders to the physician and surgeon, or other health care provider who is administering and maintaining the anesthesia.

(c) MUA shall be performed by two chiropractors trained and competent to safely perform MUA. The "primary chiropractor" shall formulate the chiropractic portion of the MUA treatment plan and shall be responsible for performing the chiropractic manipulation for that procedure. The "second chiropractor" shall insure that all movements are accomplished with patient care and safety as his or her primary focus and shall assist the "primary chiropractor" when necessary. The chiropractic portion of MUA is limited to techniques within the scope of practice of a chiropractor.

(d) For the purpose of this section, the primary chiropractor and the second chiropractor may not be involved in nor interfere with the physician and surgeon or other health care provider in the discharge of the patient following the MUA procedure.

(e) Failure to follow the standard of care contained in this section when performing MUA shall constitute unprofessional conduct.

(f) MUA means the manipulation of a patient who is sedated by the administration of anesthesia by a physician and surgeon or other health care provider who is legally authorized to administer anesthesia.

**Board of Chiropractic Examiners
Proposed Regulations
Title 16, Division 4, California Code of Regulations**

§ 389. Letter of Admonishment.

- (a) The Executive Officer, or his or her designee, may issue a letter of admonishment to a licensee for failure to comply with any provision of the Act, statute or regulations governing the practice of chiropractic.
- (b) The letter of admonishment shall be in writing and shall describe in detail the nature and facts of the violation, including a reference to the Act, statute or regulation violated and may contain an order of abatement.
- (c) The letter of admonishment shall be served upon the licensee personally or by certified United States mail at the licensee's address of record with the board. If the licensee is served by certified United States mail, service shall be effective upon deposit in the United States mail.
- (d) The letter of admonishment shall inform the licensee that within 30 days of the date of the letter the licensee may do either of the following:
 - (1) Submit a written request for an office conference to the Executive Officer of the board to contest the letter of admonishment.
 - (A) Upon a timely request, the Executive Officer, or his or her designee, shall hold an office conference with the licensee or the licensee's legal counsel or authorized representative. Unless so authorized by the Executive Officer, or his or her designee, no individual other than the legal counsel or authorized representative of the licensee may accompany the licensee to the office conference. Upon request and approval by the Executive Officer or his or her designee, the licensee may participate in the office conference by telephone.
 - (B) Prior to or at the office conference, the licensee may submit to the Executive Officer declarations and documents pertinent to the subject matter of the letter of admonishment.
 - (C) The Executive Officer, or his or her designee, may affirm, modify, or withdraw the letter of admonishment. Within 14 calendar days from the date of the office conference, the Executive Officer, or his or her designee, shall personally serve or send by certified United States mail to the licensee's address of record with the board a written decision. This decision shall be deemed the final administrative decision concerning the letter of admonishment.
 - (D) Within thirty days of service or mailing of the written decision, the licensee shall comply with the letter of admonishment and, if the letter of admonishment contains an order of abatement, the licensee shall submit documentation to the Executive Officer documenting compliance with the order.
 - (2) Comply with the letter of admonishment and, if the letter of admonishment contains an order of abatement, the licensee shall submit documentation to the Executive Officer documenting compliance with the order.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10, Business and Professions Code; and Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii. Reference: Sections 1000-4(b) and 1000-10, Business and Professions Code; and Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii.

HISTORY: 1. New section filed 9-25-2000; operative 10-25-2000 (Register 2000, No. 39).

**Board of Chiropractic Examiners
Proposed Regulations
Title 16, Division 4, California Code of Regulations**

§305. Procedure in Disciplinary Proceedings.

All proceedings relating to the refusal to grant, suspension or revocation of a license to practice chiropractic, or for the reissuance or reinstatement of a license which has been suspended or revoked, or for the disciplining of licensees in any manner other than by a Chiropractic Quality Review Panel, shall be conducted in accordance with the provisions of Section 11500 et seq. of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

NOTE: Authority cited: Sections 1000-4(b), 1000-4(e) and 1000-10(b), Business and Professions Code (Chiropractic Initiative Act). Reference: Section 1000-4(h), Business and Professions Code.

§306.1. Chiropractic Quality Review Panel (CQRP).

~~The board shall establish a Chiropractic Quality Review Panel (CQRP) by county throughout California to hear cases referred by the board's Executive Officer.~~

~~(a) The authority and duties of CQRP's are:~~

~~(1) To review chiropractic care provided by California licensees.~~

~~(2) To act on all matters assigned to it by the board's Executive Officer.~~

~~(3) To inspect all chiropractic records where reasonable cause exists to initiate a quality review.~~

~~(b) The composition and purpose of CQRP's are as follows:~~

~~(1) Each panel shall be composed of three licensees appointed by the board.~~

~~(2) Each panel member shall have at least 5 years experience practicing chiropractic in California.~~

~~(3) Each panel member shall have no disciplinary action against their license.~~

~~(4) The purpose of the CQRP is to review specific complaints and where appropriate to provide recommendations of continuing education and to strengthen aspects of the licensee's chiropractic practice.~~

~~—(A) The "continuing education" recommendations are limited to specific continuing education seminars required by licensees.~~

~~—(B) "Recommendations to strengthen aspects of a licensee's practice" will be a panel recommendation consistent with chiropractic standards of care in California.~~

~~—(c) CQRP Hearing Procedures are as follows:~~

~~—(1) A closed panel hearing shall be conducted with a court reporter.~~

~~—(2) Any licensee required to appear before a panel will be notified by certified mail with a summary of the specific complaint together with supporting documents at least 30 days prior to the scheduled panel hearing.~~

~~—(3) When requested by the panel, licensees shall present to the panel all patient treatment records relevant to the specific complaint as required by California Code of Regulations, Title 16, Section 318.~~

~~—(4) The failure to present all requested patient records authorizes the panel to presume that the information in the records is adverse to the licensee.~~

~~—(5) The licensee may bring in any witnesses and documents to assist in responding to the complaint.~~

~~—(6) The licensee may have counsel present during the panel hearing.~~

~~—(7) The licensee will be given an adequate opportunity to respond to any questions by the panel.~~

~~—(8) A postponement of the scheduled panel hearing may be granted by the board's Executive Officer upon a showing of good cause made at least 10 days prior to the scheduled hearing.~~

~~—(9) The failure of a licensee to appear, without good cause, constitutes grounds for a recommendation to the Executive Officer for filing of a disciplinary action, or further investigation.~~

~~—(d) CQRP report procedures:~~

~~—(1) At the conclusion of the CQRP hearing the panel shall prepare a written report based on the evidence presented at the panel hearing with specific recommendations regarding the licensee and/or the licensee's practice.~~

~~—Panel recommendations are the following:~~

~~—(A) Continuing education seminars in related field;~~

~~—(B) Recommendations that would strengthen aspects of licensee's chiropractic practice;~~

~~—(C) Further investigation;~~

~~—(D) Refer case to Office of Attorney General for preparation of formal disciplinary action;~~

~~—(E) Close case with warning;~~

~~—(F) Close case without warning;~~

~~—(G) Dismiss complaint.~~

~~—(2) The report and recommendations shall go directly to the board's Executive Officer.~~

~~—(3) Any departure from accepted chiropractic procedures or practices shall be outlined in this written panel report with the recommendations from subsection (d)(1)(A)-(G) deemed necessary by a vote of a majority of the three member panel.~~

~~—(4) All panel recommendations are subject to approval by the board's Executive Officer without further input from the licensee. The Executive Officer shall prepare a final report, which shall include all approved recommendations, and send a copy of the final report to the licensee and panel members.~~

~~—(5) The evidence presented at the panel hearing shall be submitted to the board office. All evidence used by the panel is admissible in any subsequent disciplinary proceeding against a licensee.~~

~~—(e) The procedures for appealing the final CQRP report are as follows:~~

~~—(1) The panel report is reviewed by the board's Executive Officer. After the review, the final report is sent to the licensee. The licensee has 30 days from receipt of the report to file a written appeal with the board.~~

~~—(2) The appeal shall be considered by a committee of the board consisting of no more than three members.~~

~~—(3) If the committee grants the appeal a final decision shall be prepared and returned to the Executive Officer for distribution to the licensee and panel members.~~

~~—(4) If the board's committee denies the appeal, the final report becomes a final decision after 30 days.~~

~~—(5) The licensee may appeal the final decision by filing a writ of mandate pursuant to California Code of Civil Procedure, Section 1094.5. The writ of mandate shall be filed in a Superior Court in Los Angeles, San Francisco, or Sacramento counties.~~

~~NOTE: Authority cited: Sections 1000 4(b), 1000 4(c), 1000 4(d), 1000 4(e), and 1000 10(a), Business and Professions Code (Chiropractic Imitative Act). Reference: Sections 1000 4(h), 1000 6(a), Business and Professions Code.~~

History:

1. New section filed 5-13-93; operative 6-14-93 (Register 93, No. 20)
2. Change without regulatory effect amending first paragraph and subsections (a) (2), (c) (8) – (9), (d) (2), (d) (4), (e) (1) and (e) (3) filed 10-5-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 40).